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TAGS: PGOV PREL PHUM KDEM AJ

SUBJECT: EUROPEAN COURT RULES IN FAVOR OF OPPOSITION LEADER
SARDAR JALALOGLU

Classified By: DEPUTY CHIEF OF MISSION JASON P. HYLAND PER 1.4(B,D)

¶1. (U) On January 11, the European Court of Human Rights (ECHR) ordered the GOAJ to pay Acting Chair of the Azerbaijan Democratic Party Sardar Jalaloglu USD 15,275 in damages and court expenses for mistreating Jalaloglu while he was in police custody in 2003, and for failing to properly investigate his allegations of mistreatment. Jalaloglu was one of many oppositionists detained in the aftermath of the October 2003 Presidential Elections; he was arrested in connection with a rally protesting the election results during which one person died and many were injured. He was sentenced to three years in prison, but released early by presidential pardon on March 20, 2005. Jalaloglu claims to have been beaten with truncheons, tortured, and threatened with rape while in police custody.

¶2. (U) This case is the first ECHR ruling in connection with the events surrounding the 2003 Presidential Elections, and the second ruling against the GOAJ. The first ruling against the GOAJ was on November 16, 2006, when the ECHR ruled that the GOAJ pay USD 7,155 to a Popular Front Party member, Fahmin Hajiyev, who had been sentenced to 15 years in prison on murder charges. (NOTE: Hajiyev was the head of the Ministry of Internal Affairs' Special Affairs Unit under President Albufaz Elchibey from 1992 to 1993.) The ECHR found that the Azerbaijani Court of Appeals failed to rule on Hajiyev's appeal within two years. According to the press, there are currently more than 600 pending applications in the ECHR for cases against the GOAJ. The GOAJ has not commented publicly on the ECHR ruling.

¶3. (C) Jalaloglu told Poloff that while this case was a victory in proving that the GOAJ has been responsible for torture, it was not a personal victory for him. Rather than just a "mild court decision," he wants those who commit acts of torture to be held responsible. Jalaloglu does not view the monetary award as important; instead, he thinks that the ECHR decision effectively gives the GOAJ a carte blanche to use torture, arguing that this decision enables GOAJ officials to place a certain amount aside, commit acts of torture, and pay later. He added that he has paid more than the amount he was awarded in court costs over the years, and that the money does not fix the permanent damage to his health. According to Jalaloglu, he is part of two class action lawsuits against the GOAJ that are currently pending in the ECHR, including one in connection with fraud during the November 2005 Parliamentary Elections.

¶4. (U) Director of the Azerbaijan Committee Against Torture Elchin Behbudov commented on the ECHR ruling in a January 28 press interview. According to Behbudov, Azerbaijani citizens who become torture victims can be encouraged by Jalaloglu's case to take their own cases to the ECHR. Behbudov said that Azerbaijanis are "forced" to take these cases to the ECHR because local courts are "blind" when dealing with torture

cases. Like Jalaloglu, Behbudov feels it is important that those who commit acts of torture are found and prosecuted, but he does not believe the ECHR ruling will help bring those responsible for Jalaloglu's mistreatment to justice.

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